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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,711

07/02/2001

Keng Kit Yeo

PHN17.710

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09/24/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

FERGUSON, LAWRENCE D

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-12

## Office Action Summary

Applicati n No.

09/869,711

Applicant(s)

YEO, KENG KIT

Examin r

Lawrence D Ferguson

Art Unit

1774

-- The MAILING DATE f this communication appears on the c ver sheet with the c rrespondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10,12,13 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,12,13 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment mailed June 11, 2003. Claims 1 and 13 were amended rendering claims 1-3, 6-10, 12-13 and 24 pending.

### ***Claim Rejections – 35 USC § 102(b)***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-7, 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Birmingham, Jr. et al (US 3,789,466) as previously stated in the Office Action submitted on March 10, 2003. As to the newly added limitation in claim 1 'wherein the visual appearance of the surrounding regions of the outer layer is dull-translucent,' Birmingham discloses a surface comprising a surface having low reflectance (column 9, lines 29-45) thereby enhancing the visibility of the markings (column 9, lines 39-41).

***Claim Rejections – 35 USC § 102(b)***

4. Claims 1-3, 6, 8, 12 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson (US 5,855,969) as previously stated in the Office Action submitted on March 10, 2003. As to the newly added limitation in claim 1 'wherein the visual appearance of the surrounding regions of the outer layer is dull-translucent,' Robertson discloses a surface having a low reflectivity outside of red light (dull-translucent) (column 5, lines 25-34) which enhances the visibility of human readable characters (column 5, line 33).

***Claim Rejections – 35 USC § 103(a)***

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (US 5,855,969) as previously stated in the Office Action submitted on March 10, 2003. Applicant amended claim 13 to change dependency of the claim; therefore, no additional claim limitations were added to the claim.

***Response to Arguments***

6. Claim objection over claim 13 is withdrawn due to Applicant amending Claim 13 changing dependency from claim 15 to claim 24. Rejections made under 35 U.S.C. 112, second paragraph have been withdrawn due to Applicant canceling claim 4, further

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defining dull translucent as being a surface having a low reflectivity, thereby enhancing the visibility of the markings surrounded by such a surface and clarifying the term 'integral.'


Rejection made under 35 U.S.C. 102(b) as being anticipated by Birmingham, Jr. et al (US 3,789,466) has been considered but is found unpersuasive. Applicant argues the polysiloxane is not used in the formation of the substrate and there is not teaching of an outer layer or substrate comprising a polymer material with an inorganic main chain. Examiner respectfully disagrees because Birmingham, Jr. discloses with mixture of organosilane with polysiloxane is useful for carrying out the invention, where the polysiloxane is inorganic (column 5, lines 20-30) where the substrate is enhance by using the coating (abstract). The coated substrate is essentially made using the polysiloxane. Because polysiloxane is used to make the coated substrate, Examiner maintains that Birmingham anticipates claim 1.

Rejection made under 35 U.S.C. 102(b) as being anticipated by Robertson (US 5,855,969) has been considered but has been found to be unpersuasive. Applicant argues Robertson does not teach or suggest a dull-translucent surface, but teaches a highly reflective surface. Robertson discloses a surface having a low reflectivity outside of red light (dull-translucent) (column 5, lines 25-34) which enhances the visibility of human readable characters (column 5, line 33). Applicant concedes claims 13 and 24 are patentable based on their dependency. Because the rejections over claims 1 and 12 have been upheld, the rejections over dependent claims 13 and 24 are maintained for reasons of record.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

  
Lawrence D. Ferguson  
Examiner  
Art Unit 1774

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

